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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND FOUR  
PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**  
**and**  
**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 8979 of 2003**

Between:

1 M/S. INDU ENTERPRISES, REP. BY  
ITS PROPRIETOR SURESH, 37-40, DEFENCE  
COLONY, SAINIKPURI, SECUNDERABAD  
2 C. SURESH, S/O. P. CHANDRASHEKAR R/O. H.NO.37-40,  
DEFENCE COLONY, SAINIKPURI, SECUNDERABAD.  
3 P. CHANDRASHEKAR, S/O.P. KISHAN R/O. H.NO.37-40,  
DEFENCE COLONY, SAINIKPURI, SECUNDERABAD.  
4 SMT. S. INDIRA, D/O. K.V. NAIR, R/O.H.NO. 37-40, DEFENCE  
COLONY, SAINIKPURI, SECUNDERABAD.

**..... PETITIONER**

**AND**

1 THE PRUDENTIAL CO-OP., BANK LTD., R.P.  
ROAD BRANCH, SECUNDERABAD.  
REP. BY ITS ADMINISTRATOR, GOVT.OF A.P., HYDERABAD,  
SITUATED AT HEAD OFFICE, R.P. ROAD, SECUNDERABAD.  
2 THE UNION OF INDIA, REP. BY ITS SECRETARY,  
DEPT OF FINANCE, NEW DELHI

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant a direction/s, order/s, writ more so in the nature of writ of mandamus declaring the provisions of Section 13 and Section 17 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Act, 2002, as invalid, arbitrary and violative basic structure of the Constitution of India and consequently to declare the provisions of section 13 and section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Act, 2002 are null and void and further to direct the respondent No.1 to drop all further proceedings in

pursuance of the notice No. PCB/RP/AR/ESI/57/02-03 issued by the first respondent on 15.03.2003 under Section 13 (2) of the Securitisation and Reconstruction of financial Assets and Enforcement of Security Act, 2002.

**Counsel for the Petitioner: MR. B.RAVINDER REDDY**

**Counsel for Respondent No.1: . MR S.Ashok Anand Kumar**

**W.P.M.P. NO : 11522 of 2003**

Between:

1 M/S. INDU ENTERPRISES, REP. BY  
ITS PROPRIETOR SURESH,37-40, DEFENCE  
COLONY, SAINIKPURI, SECUNDERABAD  
2 C. SURESH, S/O. P. CHANDRASHEKAR R/O. H.NO.37-40,  
DEFENCE COLONY, SAINIKPURI, SECUNDERABAD.  
3 P. CHANDRASHEKAR, S/O.P. KISHAN R/O. H.NO.37-40,  
DEFENCE COLONY, SAINIKPURI, SECUNDERABAD.  
4 SMT. S. INDIRA, D/O. K.V. NAIR, R/O.H.NO. 37-40, DEFENCE  
COLONY, SAINIKPURI, SECUNDERABAD.

**..... PETITIONERS**

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1 THE PRUDENTIAL CO-OP., BANK LTD., R.P.  
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REP. BY ITS ADMINISTRATOR, GOVT.OF A.P., HYDERABAD,  
SITUATED AT HEAD OFFICE, R.P. ROAD, SECUNDERABAD.  
2 THE UNION OF INDIA, REP. BY ITS SECRETARY,  
DEPT OF FINANCE, NEW DELHI

**.....RESPONDENTS**

Petition under Section 151 C.P.C praying that in the circumstances stated in the accompanying Affidavit, the High Court may be pleased to direct the first respondent to stay all further proceedings initiated against the petitioners under Notice No.PCB/RP/AR/ESI/57/02-03 dated 15.03.2003 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Act, 2002, including all further steps that may be taken and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR. B.RAVINDER REDDY**

**Counsel for Respondent No.1: . MR S.Ashok Anand Kumar**

**The Court made the following ORDER:**

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

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In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8<sup>th</sup> April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

W.P.M.P.No.11522 of 2003

In view of the dismissal of the writ petition, interim directions stand vacated and the W.P.M.P. stands disposed of as such.

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**DEVINDER GUPTA, CJ**

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**G.ROHINI, J**

**17<sup>th</sup> June, 2004.**

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. THE UNION OF INDIA, REP. BY ITS SECRETARY, DEPT OF FINANCE, NEW DELHI

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